Remarks

In the Office Action dated July 6, 2007, the Examiner rejects pending claims 1, 2, 4-12, 14-20, 85 and 96-110 as obvious over Walker (U.S. Patent No. 6,847,965) in view of other prior art including the Business Wire article titled "Air France Corrects and Replaces Previous Announcement" and the Ong-Yeoh article titled "Golden Boutique Set to Boost MAS Revenue." For at least the reasons set forth below, the applicant respectfully traverses and requests reconsideration.

As described in the present application and as explained by the applicant during the interview with the Examiner held June 11, 2007, the present application describes new methods and systems for selling combinations of international travel tickets and duty free items in ways that take advantage of the functional and commercial relationship between the items to benefit customers. For example, using these methods merchants can offer combinations of tickets and duty free items for significantly less that they would otherwise cost by avoiding the overhead usually associated with the sale of duty free items, such as the concession fee merchants need to pay airlines. In many of these methods, the customer is required to select both a ticket and a duty free item to purchase in a single transaction, since, among other things, it is the functional interplay between the costs of both items that makes it possible for the merchant to offer them both at a cost significantly less than customers would otherwise need to pay.

As has been explained, these methods are not the traditional "buy one get one free" offers shown in the art, in which a customer purchases an item and receives a complimentary additional item. In such cases, the customer is not required to select the complimentary item in order to purchase the original item; rather, the customer purchases the original item and simply receives the complimentary item as a result of his or her purchase of the original item.

Walker is an example of just such a system. In Walker, a complimentary item database is used to determine periodically whether a customer, identified by their license plate, is eligible to receive a complimentary item. Col. 3, lines 16-17; col. 13, lines 33-42. There is no disclosure or suggestion in Walker of any connection between the customer's receipt of the complimentary item and any item actually being ordered by the customer. There is certainly no disclosure or suggestion that the customer is required to select and obtain this complimentary item in order to purchase another item. Indeed, Walker explicitly teaches away from this. First, Walker states that "[i]f the customer is not eligible, the transaction is processed conventionally," (Col. 13, lines 45-56), meaning that the customer's regular order can be and is often processed even without receipt of the complimentary item. In addition, Walker does not disclose the customer being required to select the complimentary item, which rather "may have been purchased for the customer on behalf of a third party" (col. 13, lines 53-55) in order to complete another order. The other prior art of record, including the Air France article and Ong-Yeoh article, fail to make up for these deficiencies in Walker, and the Examiner is not indicating otherwise. As all the independent claims, including claims 1, 11, and 96, recite that the customer is required to select at least one specific duty free item and/or at least one international travel ticket to purchase in a single transaction from the merchant, reconsideration is requested for at least these reasons.

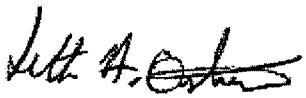
Given Walker's failure to disclose or suggest the invention as claimed in the independent claims, it is unsurprising that Walker further fails to disclose or suggest the inventions as claimed in the dependent claims. For example, neither Walker nor the other prior art of record discloses or suggests that the members of the group of specific duty free items from which the customer is required to select each have a predetermined maximum assigned value dependent on the price of the international travel ticket (or of any other item being ordered in Walker), per claim 4.

Indeed, there is no apparent relationship whatsoever between the complimentary items in Walker and orders being made by customers, as explained above. As another example, neither Walker nor the other prior art of record disclose or suggest, per claim 97, matching one or more duty free items to the selected international travel ticket (or any matching of Walker's complimentary item to anything being ordered by the customer), or performing such matching based on the price of the ticket, per claim 98. As a further example, neither Walker nor any other prior art of record disclose or suggest advising the customer of a dollar value of duty free (or any other) merchandise which must be purchased to purchase an international travel ticket at the offering price, per claim 105, or that the dollar value is selected such that a concession fee percentage of such dollar value is sufficient to cover the offering price of the ticket, per claim 107. Indeed, the Office Action glosses over these and many other dependent claims without a showing of specifically how the Examiner feels Walker can meet the claimed recitations. Reconsideration is requested as to the rejection of these and the other dependent claims.

This application has been pending for an extended period of time, and the applicant has made a concerted effort, through claim amendments, explanations and interviews, to advance prosecution. It is respectfully submitted that pending claims 1, 2, 4-12, 14-20, 85, and 96-110 are in condition for allowance. Should the Examiner deem it helpful, the applicant and his undersigned attorney are prepared to hold another interview with the Examiner, at the Examiner's earliest convenience.

Respectfully submitted,

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Seth H. Ostrow
Reg. No. 37,410
DREIER LLP
499 Park Ave.
New York, New York 10022
Tel : (212) 328-6100
Fax: (212) 328-6101

Customer No. 61834